

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

VS.

MICROTUNE, INC., ET AL.

Defendants.

§
§
§
§
§
§
§
§
§
§

NO. 3-08-CV-1105-B

ORDER

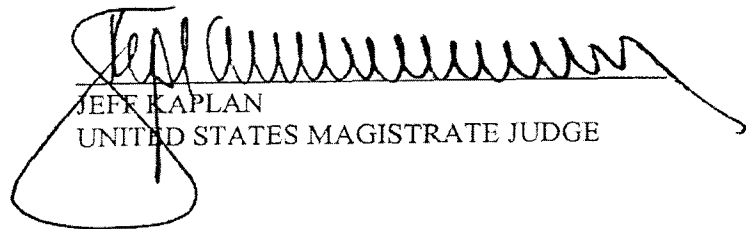
Microtune, Inc. has filed an emergency motion to clarify the June 4, 2009 order granting defendants' joint motion to compel compliance with a Rule 45 subpoena served on Andrews Kurth LLP and denying Microtune's motion to quash and for protective order in connection with subpoenas served on the company and various professional firms. At issue is that portion of the order holding that "none of the documents subpoenaed by defendants . . . are protected by the attorney-client privilege or the work product doctrine." *SEC v. Microtune, Inc.*, No. 3-08-CV-1105-B, 2009 WL 1574872 at *8 (N.D. Tex. Jun. 4, 2009). According to Microtune, the order should be limited to documents listed on the Andrews Kurth privilege log and any documents generated during the internal investigation of the company's stock option backdating practices. After conferring with the attorneys, and without suggesting a view of the scope of the subject matter waiver of the attorney-client privilege, the court determines that only the documents listed on the Andrews Kurth privilege log and any documents generated during the internal investigation of the company's stock option backdating practices need be produced to defendants at this time. Accordingly, Microtune's motion

[Doc. #90] is granted in part. Microtune shall produce the subject documents, as clarified by this order, to counsel for defendants by **June 19, 2009**.

A discovery conference will be held on **June 26, 2009** at **9:00 a.m.** before U.S. Magistrate Judge Jeff Kaplan, 1100 Commerce Street, 16th Floor, Dallas, Texas. Lead counsel for all parties shall attend this conference in person. In addition, counsel for any third-party served with a Rule 45 subpoena shall attend the discovery conference. Prior to the conference, counsel shall engage in *meaningful discussions* in an attempt to resolve or narrow all outstanding discovery issues. A joint status report, signed by all attorneys who participated in the preconference discussions, shall be filed by **June 22, 2009**. In addition to the matters set forth in the Standing Order on Non-Dispositive Motions, the joint status report must identify the documents or category of documents and the depositions needed by defendants before the parties mediate this case.

SO ORDERED.

DATED: June 12, 2009.



JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE